

Kenner 13-cr-607 (JFB)

7135	+1401524 6929 Bryan Berard*	3/20/2009 9:04:37 PM(UTC+0)	Sent	Text me when you get the letter from northern trust.
7136	+1972523 0505 Darryl Sydor*	3/20/2009 9:05:18 PM(UTC+0)	Sent	Text me when you get the northern trust letter.

**Berard lied about his communication with Kenner surrounding the March 2009 default letter, refuted by his own texts with Kenner (*supra*)...**

The Court *M&O at 30* identified: “*Berard secured that line of credit with \$1.1 million in bonds and stocks*” (Tr.3038); and (5) “*he contacted Kenner after receiving a notice of default from Northern Trust, and Kenner told him that the default meant that Berard had obtained a larger share of the Hawaii Project*” (Tr.3040-41).

**FALSE** – Because after reviewing the default letter that Kenner notified him about via text, *supra*, Berard sent Kenner the following text – **five (5) full days before he approved the seizure on a mandatory call with Northern Trust Bankers (Mascarella and Brill):**

620 7	+140152 46929 Bryan Berard*	3/26/2009 6:53:59 PM(UTC+ 0)	R e a d	When u get chance can we look at <u>how much money will b freed up after payn off line of credit NT???</u> Thanks
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- This text is identical to the *other seven [7] LOC clients* (in evidence):
  - Sydor sent Kenner a text on April 1, 2009 to notify Kenner: “*Hey someone from Northern Trust called with someone from schwabb. And want to do a conference call in a hour with erin [Mascarella] someone*” (See Recon33-200 at 1).
  - Mike Peca sent a text to Kenner on April 1, 2009 to confirm he independently *already* spoke to Northern Trust: “*Call already done*” (See Recon33-200 at 2).

**None of the Northern Trust Bank LOC transactions could have been concealed from the clients. Only complicity with Galioto’s false theories to convict Kenner could have been the basis for the “*memory loss*”; based on concealment, or CTE symptoms of faulty memory, confusion and mistakes (thus wholly unreliable, but incidentally in perfect unison).**

After Berard asked Kenner about his remaining Northern Trust account value *five (5) days before* the seizure of Berard's LOC collateral:

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620 7	+140152 46929 Bryan Berard*	3/26/2009 6:53:59 PM(UTC+0)	R e a d	When u get chance can we look at <i>how much money will b freed up after payn off line of credit NT???</i> Thanks
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Kenner replied [(sent) – hi-lighted in RED]:

7280	+14015246929 Bryan Berard*	3/26/2009 7:00:51 PM(UTC+0)	Sent	~300k
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Berard replied:

620 8	+140152 46929 Bryan Berard*	3/26/2009 7:04:18 PM(UTC+0)	R e a d	Cool thanks!!! When will that b freed Gonna use 200 for a cool oppurtunity will show u and talk 2 u abt it later. <u>Good for all of us n future.</u>
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Kenner replied:

7282	+14015246929 Bryan Berard*	3/26/2009 7:30:08 PM(UTC+0)	Sent	Can't wait to hear!
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Berard's 2009 text statements contradict the timing of his own reformative claims to the FBI in 2013 (*after getting his job from Jowdy*), that “*at this time of collateral seizure when he returned from Russia*”, he found Kenner “*not to be legit*”. Yet, Berard's next investment – in a real time 3-2009 text -- with his residual collateral funds was “*Good for all of us n future*”.

- It clearly does not jive; since Berard (*in Rule 16 evidence*) requested Kenner review his follow-up investment for him.

The 2013 FBI proffer by Berard was clearly another fabricated statement to:

- Aggravate the pending Galioto arrest (November 2013),
- Bolster Galioto's foundationless theories contrived thru graft and threats, and
- Save Jowdy, Berard, Kaiser (and others) from the pending December 2013 Mexico arrest warrants and a legally ordered receivership to Kenner and Kenner investors by the Baja California Sur Mexico Supreme Court.

Jowdy's cabal discovered Kenner was scheduled for in-person testimony mid-December. Galioto and Jowdy's people discovered it in October 2013; knowing their final demise was pending momentarily if irrational measures were not taken immediately.